



Attorney Docket No. P58317US2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jim APPINO et al.

Serial No: 08/865,044

Group Art Unit: 1616

Filed: May 29, 1997

Examiner: Marina LAMM

For: DEVICE FOR DISPENSING THERAPEUTIC OR COSMETIC SUBSTANCE, THE
INERT VEHICLE OF WHICH IS A VOLATILE POLYDIORGANOSILOXANE, AND
COMPOSITION INTENDED TO BE USED IN THE DEVICE

RESPONSE

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

The instant paper responds to the final Office Action mailed December 30, 2003, after notice of appeal filed June 30, 2003.

In accordance with the final Office Action, the only remaining issue of record is the rejection of claims 10-15, 17, 23, 24, and 26-28 for alleged obviousness-type double patenting based on claims 1-8 of U.S. Patent No. 5,582,815. Reconsideration is requested in view of the terminal disclaimer submitted concurrently herewith.

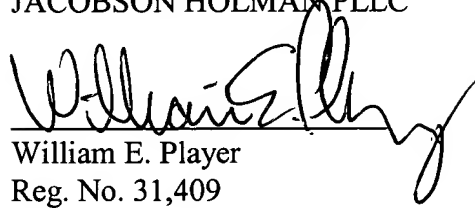
The terminal disclaimer submitted herewith overcomes the rejection for obviousness-type double patenting. Accordingly, there being no remaining issues of record, immediate allowance of the subject application is in order.

Favorable action is requested.

Respectfully submitted,

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